

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FILED
2009 JUN 24 AM 11:45
NORTHERN DISTRICT OF OHIO
CLEVELAND

ALONZO J. ROBINSON, :
Plaintiff, :
-vs- :
FEDERAL BUREAU OF PRISONS, :
Defendant. :

4:09CV1443
Case No. _____

JUDGE ADAMS

COMPLAINT

MAG. JUDGE LIMBERT

Alonzo J. Robinson, proceeding pro se, hereinafter referred to as "Plaintiff," complains against the United States Department of Justice, Federal Bureau of Prisons, hereinafter referred to as "Defendant," as follows:

1. Parties: Plaintiff is a natural person who is a prisoner in federal custody, and who is and at all times relevant to this Complaint was housed by Defendant at the Federal Satellite Low facility at Elkton, Ohio. Said Federal Satellite Low facility is operated by Defendant, and is located in Columbiana County, Ohio, within the Northern District of Ohio.

2. Defendant Federal Bureau of Prisons is a component agency of the United States Department of Justice, an executive agency. At all times relevant to this Complaint, Plaintiff was and remains in the custody of the Federal Bureau of Prisons. On information and belief, Plaintiff avers that the records maintained by Defendant which are relevant to this action are maintained at the aforesaid Federal Satellite Low Elkton within Columbiana County, Ohio.

3. Jurisdiction: This Complaint arises under the Freedom of Information Act, 5 U.S.C. §552 (2008). This Court has jurisdiction to hear this Complaint pursuant to 5 U.S.C. §552(a)(4)(B).

4. Facts: After Plaintiff exhausted Defendant's own administrative remedies in seeking to determine the reason Defendant placed a "greater security" management variable on Plaintiff's security and custody determination, Plaintiff made demand by a letter dated May 17, 2009 -- and placed in the institution's legal mail system on May 18, 2009 -- that Defendant provide him with the records in his possession relating to the aforesaid management variable. See a true and complete copy of Plaintiff's letter attached as Exhibit 1 and incorporated by reference as if set out fully herein (hereinafter "FOIA Letter").

5. As of the date this Complaint was placed in the legal mail system at the institution -- 24 working days after the FOIA Letter was transmitted to Defendant -- Defendant has failed to respond to the FOIA Letter in any way. Such failure to respond within the applicable time limits of the Freedom of Information Act constitutes an exhaustion of Plaintiff's administrative remedies. 5 U.S.C. §552(a)(6)(C)(i).

COUNT 1

6. The allegations of fact made in Paragraphs 1 through 5 are incorporated herein by reference as if set out fully.

7. Defendant has failed to respond to Plaintiff within twenty (20) days of receipt of the FOIA Letter, as required by 5 U.S.C. §552(a)(6)(A)(1).

8. Defendant has thus violated the Freedom of Information Act.

DAMAGES

9. The allegations of fact made in Paragraphs 1 through 8 are incorporated herein by reference as if set out fully.

10. This Court should enjoin Defendant from withholding the records demanded by Plaintiff in the FOIA Letter, pursuant to 5 U.S.C. §552(a)(4)(B).

11. This Court should order Defendant to produce the records demanded by Plaintiff in the FOIA Letter, pursuant to 5 U.S.C. §552(a)(4)(B).


12. This Court should order that Defendant not assess any search or duplication fees against Plaintiff, pursuant to 5 U.S.C. §552(a)(4)(A)(viii).

13. This Court should order Defendant to pay Plaintiff's court costs and other litigation expenses pursuant to 5 U.S.C. §552(a)(4)(E).

WHEREFORE, this Complaint should be granted, and an order should issue from this Court enjoining the Federal Bureau of Prisons from withholding the records demanded by Plaintiff in the FOIA Letter, ordering the Federal Bureau of Prisons to produce to Plaintiff the records demanded in the FOIA Letter,

ordering that the Federal Bureau of Prisons not assess any search or duplication fees against Plaintiff, and ordering the Federal Bureau of Prisons to pay Plaintiff's court costs and other litigation expenses, and ordering such other relief as this Court finds equitable and just in the premises. The declarations of fact made in this Complaint are true and correct, under penalty of perjury. Executed June 22, 2009.

Respectfully submitted,



Alonzo J. Robinson
Reg. No. 39090-083
Federal Satellite Low
Elkton
P.O. Box 10
Lisbon, Ohio 44432